REMARKS

Claims 12-15 are pending in the application. Claims 12-15 have been amended. Reconsideration of this application is respectfully requested.

The specification has been amended at page 1, to recite that the present application is "a continuation of U.S. Patent Application Serial No. 09/395,926, now U.S. Patent No. 6,665,435".

It is noted with appreciation that the Office Action has indicated that claims 8-11 and 16-18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 101 and to include all the limitations of the base claim and of any intervening claims.

Claims 1-11 and 16-18 were canceled at the time of filing by the transmittal document. A correspondence of the claims of the present application to the claims of U.S. Patent No. 6,665,435 is as follows:

Claims of the present application	Claims of U.S. Patent No. 6,665,435
1-9	1-9
18	10
10	11
11	12
16	13
17	14

Claim 12 has been amended to replace "means" with --unit--. Claims 13-15 have been amended to replace the "characterized in that" language with "wherein" or "further comprising". It is submitted these amendments are a matter of form and not substance.

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The Office Action rejects claims 1-9, 10, 11 and 18 under 35 U.S.C. 101 as claiming the same invention as claims 1-9, 11, 12 and 10 of U.S. Patent No. 6,665,435, respectively. This rejection is moot since claims 1-11 and 18 are canceled.

The Office Action rejects claims 12, 15 and 16 under 35 U.S.C. 101 as claiming the same invention as claim 13 of U.S. Patent No. 6,665,435. This rejection is moot as to claim 16, which is canceled.

This rejection is erroneous because patent claim 13 of U.S. Patent No. 6,665,435 differs in scope from claims 12 and 15. Patent claim 13 recites subject matter not contained in either claim 12 or claim 15, namely, "said re-mapping architecture comprises a RGB to HLS converter, connected to an HLS to RGB converter, by means of a series of an HLS filter and a stretch block". Therefore, devices that do not contain this subject matter do not come within the literal scope of patent claim 13, but may come within the scope of claims 12 and 15.

For the reason set forth above, it is submitted that the rejection of claims 12 and 15 under 35 U.S.C. 101 is erroneous and should be withdrawn.

The Office Action rejects claims 12, 15 and 17 under 35 U.S.C. 101 as claiming the same invention as claim 14 of U.S. Patent No. 6,665,435. This rejection is moot as to claim 17, which is canceled.

This rejection is erroneous because patent claim 14 of U.S. Patent No. 6,665,435 differs in scope from claims 12 and 15. Patent claim 14 recites subject matter not contained in either claim 12 or claim 15, namely, "said re-mapping architecture comprises a RGB to HLS converter having a plurality of output channels, only one of said output channels being connected to series of a filter and a stretch block, the re-mapping architecture further comprising an HLS to

RGB converter receiving the original channels as outputted from the RGB to HLS converter and the channel as processed by means of said filter and stretch block". Therefore, devices that do not contain this subject matter do not come within the literal scope of patent claim 14, but may come within the scope of claims 12 and 15.

For the reason set forth above, it is submitted that the rejection of claims 12 and 15 under 35 U.S.C. 101 is erroneous and should be withdrawn.

The Office Action rejects claims 1-7 and 12-15 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,883,979 to Beretta et al., hereafter Beretta, in view of U.S Patent No. 5,982,937 to Accad, hereafter Accad. This rejection is moot as to claims 1-7, which are canceled.

The Examiner presented a detailed analysis of Beretta and Accad with respect to canceled claim 1, but summarily treated claim 12 as reciting similar subject matter as canceled claim 1. However, the language of claim 12 is substantially different from that of canceled claim 1. Accordingly, it is not understood exactly what in claim 12, the Examiner concedes is lacking in Beretta and supplied by Accad.

The combination of Beretta and Accad (Beretta/Accad) lacks "an output unit that provides a particular output format depending on a final device that receives such output data", as recited in independent claim 12. Therefore, the rejection is erroneous.

The Examiner contends that Beretta discloses this portion of claim 12, citing column 13, lines 31 and 32, noting "the different formats"). However, this citation must be read in the context of the paragraph in which it appears. The preceding text at column 13, lines 22- 30, states that the quantization tables

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"can be used in any context that requires JPEG compression as well as in machines that operate according to similar principles but which are not JPEG compliant. These applications are typically those that have limited or finite bandwidth capability. An example of another such limited bandwidth application is a personal computer or workstation. In these applications color images are displayed on the screen, which can be represented in a variety of different formats such as Postscript."

This language teaches that JPEG compression can be used to compress such color images, but does not teach a configurable image processing device that comprises an input unit that gets the image and "an output unit that provides a particular output format depending on a final device that receives such output data", as recited in claim 12.

Accad was not cited as supplying this deficiency. Therefore, Beretta/Accad lacks "an output unit that provides a particular output format depending on a final device that receives such output data", as recited in independent claim 12. Therefore, the rejection is erroneous.

In addition, Beretta lacks "a selection unit that selects a particular group of atomic operations to be performed on the basis of said final device performance, so creating a specific sequence providing meaningful information for the selected device" as recited in claim 12.

Neither Beretta nor Accad teaches the selection unit of claim 12. The selection unit selects from a repository of basic imaging operations a plurality of operations to be performed on the input image data. The Examiner reads the selecting step of canceled claim 1 on elements 138 and 140 of Fig. 11, citing the passage at column 13, lines 40-50. The passage at lines 42-47 teaches that element 138 can transform color source image data from one color space to another. Element 140 merely compresses the output data of element 138. The

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color space changing of element 138 is a single operation and not a plurality of operations or group of operations as claimed in claim 12. Moreover, the color space changing of element 138 is not a selection of "atomic operations to be performed on the basis of final device performance.

In the Office Action dated May 22, 2003 in U.S. Application, Serial No. 09/395,926, now U.S. Patent No. 6,665,435, the Examiner contends that Beretta's elements 138-142 provides for a plurality of operations. Element 138 performs a color space change. Element 140 does a JPEG compression of the output of element 138. Element 142 encapsulates the output of element 140. In the sense that elements 138, 140 and 142 each provide a single operation, collectively the plural elements provide a plurality of operations. However, claim 12 recites a selection unit that "selects a particular group of atomic operations to be performed on the basis of said final device performance". Beretta's elements 138-142 do not perform such a selection.

Accad was cited as merely teaching the steps of applying and assembling and not as teaching a selection unit. Applicants have been unable to find in Accad any teaching of a selection unit as recited in claim 12. Accordingly, the rejection is erroneous because the proposed obviousness combination lacks the selection unit of claim 12.

The Office Action suggestion to use Beretta in combination with Accad is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing

<u>Interconnect Planning Corp. v. Feil</u>, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).
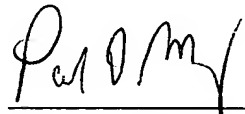
For the reasons set forth above, it is submitted that the rejection of claims 12-15 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 101 and 35 U.S.C. 103(a) be withdrawn, that claims 12-15 be allowed and that this application be passed to issue.

Respectfully Submitted,

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